

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 114 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

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KAMNATH MAHADEV SARVAJANIK TRUST THRO'TRUSTEES

Versus

CHHIDABHAI BHURABHAI SHAIKH

Appearance:

1. Appeal from Order No. 114 of 1998
MR MIG MANSURI for Petitioner No. 1-1/2
MR MD PANDYA for Respondent No. 1
GOVERNMENT PLEADER for Respondent No. 2
..... for Respondent No. 3
NOTICE SERVED for Respondent No. 3/1-3/5

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 18/09/2001

ORAL JUDGEMENT

1. Last time when this matter was placed before this

Court on 11.9.2001 Mr.Mansuri, learned Counsel for the appellant was not present because of his Sick Note. However, Shri M.D.Pandya, learned Counsel for the respondent No.1 stated at the bar that he had no objection if the Appeal is disposed of by continuing the interim order of status-quo granted earlier on 9.3.1998 till the final disposal of the Suit with a direction to the learned trial Judge to decide the Suit as early as possible.

2. Today, this matter is listed at Sr.No.3 for final hearing Board. When it was called out at about 12.00 noon Mr.Mansuri was not present. However, on the facts and circumstances of the case this Appeal is disposed of in light of the statement made by Mr.Pandya for the respondent No.1 on earlier occasion.

3. Accordingly, this Appeal is disposed of with a direction to the trial Court to dispose of the main Civil Suit No.372 of 1996 as early as possible, preferably by 30th September, 2002. The parties are directed to fully cooperate with the early disposal of the Suit. Interim order of status-quo granted earlier on 9.3.1998 shall continue till the final disposal of the Civil Suit.

sd/-

Date : September 18, 2001 (B.J.Shethna, J.)

sas